REMARKS

Claims 1-3, 5, 6, 8 and 9 were rejected under 35 U.S.C.§103(a) as being unpatentable over Marotta et al. (Marotta) in view of Heise et al. (Heise).

Reconsideration is requested.

The claims have been amended to recite that the process "consist of" the recited steps. This amendment excludes from the claims the use of the primer that0 is required by Marotta (col.1, line 69 et seq. Marotta does not identify any substrate to 2which the "tacky" adhesive layer of his invention may be applied. Nothing in Marotta suggests that if the primer layer is omitted, a polyethylene or polypropylene label may be affixed to a glass, metal or plastic surface.

Heise is concerned with a animal glue that contains both an alkaline salt and glyoxal that is used on paper and not on a polymer. Thus reference does not mention polyethylene or polypropylene or any other polymer and therefore there is no reason to combine this reference with Marotta. For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 10, 11 and 13 were rejected over Marotta and Heise as applied to claims 1, 2, 5. 6. 8. 9. and 11 above and further in view of Dronzek.

Reconsideration is requested.

As noted above, claim 1 has been amended to exclude the required primer layer and claim 11 has been amended to recite that the label is made by the steps which "consist of" the steps recited in the claim. Marotta requires a step for the application of a primer and and this step is excluded from claims 10, 11 and 13 by this amendment. As noted above, Heise is only concerned with the application of animal glue to paper labels and Dronzek does not teach the use of a cross-linking agent in an animal glue. For these

reasons, it is requested that this ground of rejection be withdrawn.

Claim 11 was rejected as being unpatentable over Marotta and Heise as applied to claims 1, 2, 5. 6. 8. 9. and 11 above and further in view of Leiner.

Reconsideration is requested.

The amendment to exclude the primer layer of Marotta has been noted above. Nothing in Leiner regarding an animal glue would direct a skilled artisan to use animal glue for applying a polyethylene or polypropylene label to a glass, metal or plastic container. For these reasons, it is requested that this ground of rejection be withdrawn.

Claim 13 was rejected as being unpatentable over Marotta and Heise as applied to claim 11 above further in view of Dronzek.

Reconsideration is requested.

The Marotta, Heise and Leiner patents have been distinguished from claim 11 above. Claim 13 is dependent on claim 11 and is patentable for the reasons set forth above. The Dronzek patent discloses slip aids but does not disclose a cross-linked animal glue with a slip aid. For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 11-13 were rejected under 35 U.S.C.§103(a) as being unpatentable over Dronzek in view of Leiner.

Reconsideration is requested.

Dronzek teaches the application of a particular water based glue system to a polymeric label and Leiner teaches the application of a natural glue and cross-linking agent to paper. Nothing in Leiner suggest the making of polyethylene or polypropylene label stock using the material disclosed by Leiner. Dronzek uses different materials and there is no suggestion to use any other material than the glues recited in Dronzek. For these reasons, the combined teachings of Dronzek and Leiner do not make the invention of claims 11 and 13 obvious.

Claims 11 and 13 were rejected for double patenting over the claims of U.S. 5,517,664 in view of Leiner. This rejection is in error as there is nothing in Leiner that relates to the use of an animal glue on a polymeric label that would lead a skilled artisan to use animal glue in the claims of the Dronzek patent. For these reasons, it is requested that the rejection for double patenting be withdrawn.

Claims 1-3, 5, 6 and 8-10 were rejected for obviousness double patenting in view of Heise and Marotta. This rejection is in error as there is nothing in Heise or Marotta which would suggest modifying the process of the claims of U.S. 7,090,740 so that one would arrive at the processes of claims 1-3, 5, 6 and 8-10.The step of applying a primer is excluded from the amended claims and it is not made obvious by the claims of Dronzek when considered with Heise and/or Marotta.

An early and favorable action is earnestly solicited.

Respectfully submitted,

James V. Costigan
Registration No. 25,669

Hedman & Costigan, P.C.
1230 Avenue of the Americas
7th Floor
New York, NY 10036
(212) 302-8989